

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 9/26/2023
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GARFIELD BRADSHAW, <i>on behalf of himself and all</i>	:	
<i>others similarly situated,</i>	:	
	:	1:23-cv-4901-GHW
Plaintiffs,	:	
	:	<u>ORDER</u>
- v -	:	
	:	
LUXURY LIGHTING INC,	:	
	:	
Defendant.	:	
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GREGORY H. WOODS, District Judge:

Plaintiff commenced this case on June 12, 2023. Dkt. No. 1. Federal Rule of Civil Procedure 4(m) states, in relevant part, that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” As the complaint was filed on June 12, 2023, the ninety-day window for service closed on September 10, 2023. There is no indication on the docket as to whether Plaintiff has served the complaint on Defendant.


On September 21, 2023, the Court ordered Plaintiff to show cause by September 25, 2023 as to why this action should not be dismissed against Defendant for failure to serve process in the time allotted by Federal Rule of Civil Procedure 4(m). Dkt. No. 11. Plaintiff failed to respond. Because Plaintiff has not shown good cause regarding his failure to effectuate timely service on Defendant, this action is dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m).

The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: September 26, 2023  
New York, New York

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GREGORY H. WOODS  
United States District Judge